IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3945 of 2006
DATE OF DECISION: 28.8.2006

New India Assurance Company Ltd.

...Appellant

versus

Devender Yadav and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice Mahesh Grover.

Present: Mr.Ravinder Arora, Advocate,
for the appellant

UMA NATH SINGH, J. (Oral)

Heard on CM No.16878-CII of 2006 (application for condonation of delay in refiling the appeal). On due consideration, the application is allowed and 38 days' delay in refiling the appeal is, hereby, condoned.

Hence, CM No.16878-CII of 2006 is disposed of.

FAO No.3945 of 2006

This FAO arises out of an award dated 6.3.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Gurgaon, in MACT Case No. 37 of 4.8.2004, awarding a sum of Rs.43,530/- in an injury case of a young man of 23 years, said to be earning Rs.3,000/- per month.

Learned counsel raised a technical plea that since there was no disablement certificate on record, the Court could not have resorted to the Schedule given under Section 163-A of the Motor Vehicles Act, 1988 (for short `the Act').

We have carefully perused the award. The seat of injury appears to be kidney and simply because the disablement certificate was not placed on record, it cannot be said that the injured had not suffered serious injury. Besides, the compensation amount of Rs.37,730/- relates to the medical expenses.

Under the circumstances, we do not find any merit in this appeal and it is dismissed at the threshold.

**( UMA NATH SINGH )**
**JUDGE**

**August 28 , 2006** **( MAHESH GROVER )**
**pk** **JUDGE**